

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
SEALED
2024 FEB 20 AM 11:25
OFFICE OF THE CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRYCE A. NOLDE,

Defendant.

8:24CR23

INDICTMENT
18 U.S.C. § 1343

The Grand Jury charges that

INTRODUCTION

At all times material to this Indictment:

BV BUILDERS, LLC

1. BRYCE A. NOLDE, defendant, is a resident of the state of Nebraska residing in Garland, Nebraska.
2. BV Builders, LLC, (hereinafter "BV Builders") is a limited liability company registered in the state of Nebraska. BRYCE A. NOLDE is the registered agent and President of BV Builders.
3. BV Builders advertises itself as a construction company specializing in the construction of "barndominiums" and "shouses." The term barndominium or shouse typically refers to a large, open-concept building constructed with metal or wood framing and clad in metal siding and roofing, which is used for residential purposes but often also incorporates a workshop, garage, or room for animals.
4. BV Builders advertises on its website that it offers "Turn Key Building Construction" in Nebraska, Kansas, Colorado, Wyoming, and South Dakota. BV Builders has also worked with clients constructing buildings in Iowa, Missouri, Kansas, and Oklahoma. BV Builders

advertises on its website that it is a “leader in the industry,” stating that “BV Builders guarantees precise, timely, and efficient work.”

FINANCIAL INSTITUTIONS

5. Financial Institution 1 is a financial institution headquartered in Beemer, Nebraska, with additional locations in Homer, Fremont, and Bancroft. The deposits of Financial Institution 1 are insured by the Federal Deposit Insurance Corporation.

CUSTOMERS

6. Victims 1 and 2 are a married couple who reside in Scribner, Nebraska.

SUBCONTRACTORS AND SUPPLIERS

7. Subcontractor 1 is a home furnishings store in Fremont, Nebraska.
8. Subcontractor 2 is a framing and construction company in Lincoln, Nebraska.
9. Subcontractor 3 is a company located in Omaha, Nebraska, that sells and installs windows.
10. Subcontractor 4 is a roofing and construction company in Lincoln, Nebraska.

WIRE FRAUD

THE SCHEME AND ARTIFICE TO DEFRAUD

11. Defendant, BRYCE A. NOLDE, and others known and unknown to the Grand Jury, participated in a scheme to defraud BV Builders’ customers and the sub-contractors and suppliers of BV Builders’ construction projects.
12. As part of this scheme to defraud, the defendant, BRYCE A. NOLDE, and others known and unknown, through BV Builders, solicited victim customers for whom to construct barndominiums and shouses. BV Builders would accept large payments directly from the victim customers or draw large amounts from the victim customers’ construction loans at a financial institution.

13. Defendant, BRYCE A. NOLDE, through BV Builders, would fraudulently represent to the victim customers that their funds were being used for legitimate construction purposes on their construction build and that the funds were being used to pay subcontractors and suppliers for their work on the victim customers' build. Defendant, BRYCE A. NOLDE, would then divert these funds, in whole or in part, for other purposes unrelated to the victim customers' build.
14. As part of this scheme to defraud, the defendant, BRYCE A. NOLDE, and others known and unknown, through BV Builders, would fraudulently obtain goods and services from subcontractors and suppliers for construction projects on which BV Builders had been retained as the general contractor. Even though BV Builders would obtain customer funds under the guise of paying for these goods and services, subcontractors and suppliers were often not paid for their goods or services by BV Builders. BV Builders' failure to use the victim customers' funds to pay subcontractors and suppliers for goods and services resulted in construction liens being placed on victim customers' properties.
15. In many cases, defendant, BRYCE A. NOLDE, and others known and unknown, through BV Builders, would receive payments direct from victim customers or would draw a victim customer's construction loan depleting most or all available funds despite failing to complete the work or pay suppliers for materials that the customer funds were purportedly being drawn or received to pay for. In other situations, defendant, BRYCE A. NOLDE, and others known and unknown, through BV Builders, would receive payments directly from victim customers or draw funds from victim customers' construction loans under the fraudulent pretense that it had paid or would be paying subcontractors and suppliers for their labor and materials on victim customers' build. BV Builders would then not pay the

subcontractors and suppliers as fraudulently represented, resulting in liens being placed on the victim customers' properties.

16. Defendant, BRYCE A. NOLDE, through BV Builders, often would cease work on agreed upon builds for victim customers, leaving the builds in various states of incompleteness even though having received payments for or drawn customer loan funds to pay for work that BV Builders did not fulfill.

17. In approximately July of 2022, Victims 1 and 2 hired BV Builders to construct a barndominium style home in Scribner, Nebraska. Victims 1 and 2 financed this build using a construction loan through Financial Institution 1. As part of this build, the defendant, BRYCE A. NOLDE, and others known and unknown, received draws on Victim 1 and Victim 2s' construction loan from Financial Institution 1. These draws included fraudulent representations that Subcontractor 1, Subcontractor 2, Subcontractor 3, and Subcontractor 4 were being paid and had been paid for their labor and materials. In order to obtain the funds from a draw on Victim 1 and 2's construction loan, defendant, BRYCE A. NOLDE, signed a document with Financial Institution 1 acknowledging that all costs on prior draws had been paid to include the payment of subcontractors and suppliers. Additionally, on each draw check from Victim 1 and 2's construction loan at Financial Institution 1, defendant, BRYCE A. NOLDE, or another BV Builders employee would sign the back of the check which included a certification that all bills related to the labor and/or materials had been paid in full, in order to cash the check. Despite defendant, BRYCE A. NOLDE's, fraudulent certifications to the contrary, BV Builders had not paid Subcontractor 1, Subcontractor 2, Subcontractor 3, or Subcontractor 4 in full as represented in communications to Victims 1 and 2 and Financial Institution 1. As a result, Victims 1 and 2 had a total of \$ 69,120.34 in liens placed on their property by Subcontractor 1,

Subcontractor 2, Subcontractor 3, and Subcontractor 4. These liens prevent Victims 1 and 2 from converting their construction loan to a mortgage.

USE OF INTERSTATE COMMUNICATION FACILITIES

18. Interstate wire communication facilities were used in furtherance of the scheme. The defendant, BRYCE A. NOLDE, communicated with victim customers, financial institution employees, subcontractors, and suppliers using text messages, telephone calls, emails, and internet messaging platforms.

LOSS CAUSED BY THE FRAUD

19. As a result of the scheme and artifice to defraud, from on or about July 1, 2022, through the present, the defendant, BRYCE A. NOLDE, caused an actual loss to Victims 1 and 2 of \$69,120.34.

THE COUNTS

20. For the purpose of executing the above-described scheme and artifice to defraud, with said scheme and artifice to defraud affecting a financial institution, and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, as described in paragraphs 1 through 20 of this Indictment, the defendant, BRYCE A. NOLDE, in the District of Nebraska and elsewhere, did knowingly cause to be transmitted by means of wire communications in interstate commerce certain writings, signs, and signals, in that, the defendant, BRYCE A. NOLDE, did cause the transmission of the interstate wire described below:

COUNT	DATE	WIRE COMMUNICATIONS
I	On or about September 1, 2023	Defendant, BRYCE A. NOLDE, sent, or caused to be sent, an email from bryce@bvbuilders.us to Victim 1 and two employees of Financial Institution 1 requesting approval for the

		issuance of the final draw from Victim 1 and 2s' construction loan at Financial Institution 1
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In violation of Title 18, United States Code, Section 1343.

A TRUE BILL.

FOREPERSON

The United States of America requests that trial of this case be held in Omaha, Nebraska, pursuant to the rules of this Court.


SEAN P. LYNCH, #25275
Assistant United States Attorney